

Article 5

Planned Unit Development

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Article Five: Planned Unit Development Page

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PUBLIC REVIEW DRAFT

Intent

The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning and Subdivision Control Ordinances.

Planned Unit Development regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned Unit Developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A Planned Unit Development should not be used if the proposed development can be created using established zoning districts.

See Also:

*IC 36-7-4-1500 series,
(Planned Unit Development)*

*Plan Commission Rules of
Procedure*

5.1 PUD Intent, Uses, & Standards

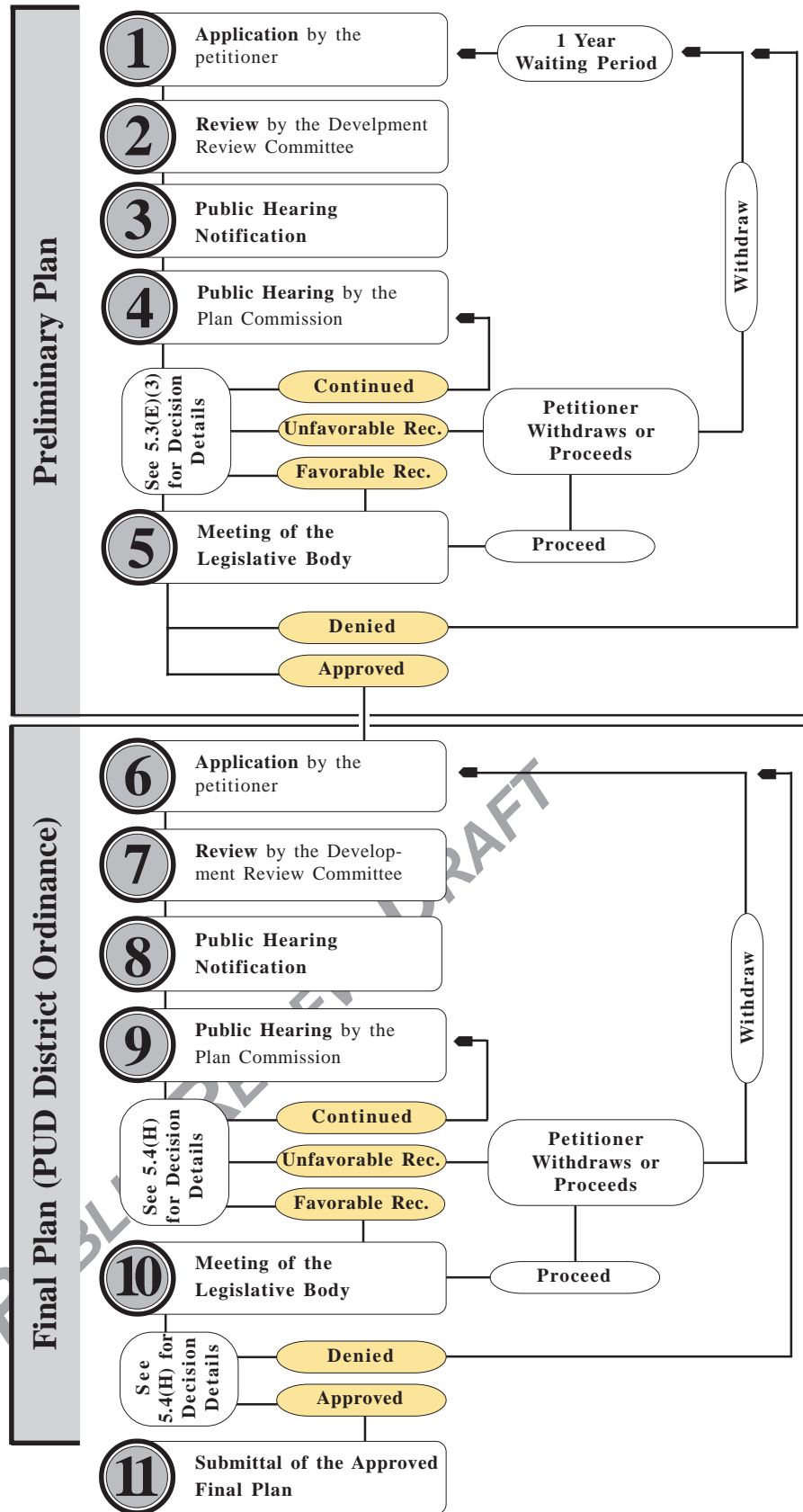
- A. **Uses:** All uses are subject to the discretion and approval of the appropriate legislative body through the process established by this Article. No uses are granted by right, and no uses are considered Conditional. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.
- B. **Development Requirements:** Development requirements for all proposed Planned Unit Developments shall be created by the applicant as part of the Final Plan submittal. All proposed development requirements are subject to the review and approval of the applicable Plan Commission and legislative body. Generally, the Planned Unit Development shall provide requirements for the development that replace (1) the lot requirements established by Article 3, Zoning Districts, (2) each topic area regulated by Articles 6,7,8,9, and 10 of this Ordinance, and (3) any requirements replacing those established by the Subdivision Control Ordinance. The development requirements may reference provisions of this Ordinance, but (1) must specify that periodic amendments to this Ordinance will apply and (2) may not reference any specific zoning district.
- C. **Rules of Procedure:** All proceedings brought under this Article are subject to the Rules of Procedure of the Plan Commission.
- D. **Origination of Proposals:** Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. The applicant making the proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership.

5.1 PUD Intent, Uses, & Standards (cont.)

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Planned Unit Development

PUD Process Diagram (Figure 5.1)



See Also:

Plan Commission Rules of Procedure

Plan Commission Calendar of Filing & Meeting Dates

5.2 General Application Requirements

- A. **General Application Requirements:** All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications that are completed in their entirety in ink or typed. Fees shall be paid at the time the application is submitted.
1. Copies Required: All applicants shall submit copies of applications and necessary attachments as required by the policies of the Planning Director and the applicable Rules of Procedure of the Plan Commission.
 2. Incomplete Applications: No application which is incomplete shall be assigned a reference number; nor shall it be scheduled for any meeting or public hearing. The required fee shall be part of the application.
- B. **Review Schedule:** All applications shall be assigned reference numbers by the Planning Director. Applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

PUBLIC REVIEW DRAFT

5.3 Preliminary Plan

- A. **Application:** The petitioner shall submit a Preliminary Plan review application, the required filing fee, the Preliminary Plan, and any other supporting information.
- B. **Preliminary Plan Data:** The Preliminary Plan may take the form of a booklet of letter and/or tabloid sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The Preliminary Plan may include any graphics that will explain the features of the development. The following shall be included in the Preliminary Plan submission.
1. **Cover Page & Index:** The cover sheet shall indicate that it is the Preliminary Plan for that particular development and include the date of submittal, an index identifying all sections included in the Preliminary Plan document, and references to any separate sheets of information.
 2. **Site Description:** A description of the property and petitioners involved, including:
 - a. the name, mailing address, e-mail address, and telephone number of the applicant,
 - b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Preliminary Plan design,
 - c. the legal description of the subject property and common address of the site, and
 - d. the proposed name of the development (if applicable).
 3. **Phasing Plan:** A phasing plan indicating the general phases by which Final PUD Plans may be submitted, if any.
 4. **Vicinity Map:** A vicinity map showing the use and zoning of all properties within 1,320 feet (1/4 mile) of the property subject to the Preliminary Plan.
 5. **Common Holdings Map:** A map of any property adjacent to the property subject to the Preliminary Plan that is owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Preliminary Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage plans.
 6. **Existing Site Conditions:** A site survey of all existing conditions on the subject property, including:
 - a. **Built Features:** All existing streets (including travel lanes, rights-of-way, etc.), established open spaces, and structures;
 - b. **Easements:** All existing easements and an indication of their purpose;
 - c. **Topography:** A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the Planning Director;



Intent

The purpose of the Preliminary Plan is to provide a formal opportunity for the applicant, the Plan Commission, and the legislative body to discuss the general elements of the proposed PUD. The Preliminary Plan prepares the Plan Commission and legislative body for a future discussion of details and minimizes the risk incurred by the applicant in creating the Final Plan.

See Also:

*Chapter 2.4,
Development Review
Committees*

*Plan Commission Calendar
of Filing & Meeting Dates*

*Chapter 12.2,
Notice of Public Hearing*

*Plan Commission
Rules of Procedure*

Comprehensive Plan

*Indiana Historic Sites &
Structures Inventory -
Bartholomew County Interim
Report*

*National Register of
Historic Places*

*Indiana Register of
Historic Sites & Structures*

National Wetlands Inventory

Note: The Indiana Historic Sites & Structures Inventory - Bartholomew County Interim Report includes an update for Sand Creek Township

5.3 Preliminary Plan (cont.)

- d. *Natural Features:* The location of natural streams, regulated drains, 100 and 500-year floodplains and floodways (extrapolated from FEMA maps), water courses, wetlands (general locations as indicated by the National Wetlands Inventory), and wooded areas;
- e. *Utilities:* The general location of utilities serving the site (including waste disposal, water, electricity, natural gas, cable television, and data transmission);
- f. *Cemeteries:* The general location of any cemeteries on, or within 100 feet of, the site.
- g. *Historic Features:* An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
- h. *Other Features:* Any other significant feature(s) that may influence the preliminary design of the development.
- 7. Proposed Development: A description of the proposed development of the property, including:
 - a. *Street Systems:* The general layout and description of proposed street systems (that identifies proposed arterial and collector streets);
 - b. *Land Uses:* The general land use areas within the development (including proposed densities of residential uses);
 - c. *Open Space:* The general location of open space;
 - d. *Landscaping:* The general description of any areas of landscaping, buffering, and/or screening proposed for the development;
 - e. *Natural Features:* A description of the general accommodation of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands, and wooded areas identified in Section 5.3(B)(5)(d) above;
 - f. *Historic Features:* A description of the general accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;
 - g. *Written Commitments:* A description of any written commitments that are being proposed as part of the development;
 - h. *Covenants:* A general description of any private covenants and restrictions that may be established for the development; and
 - i. *Drainage:* A general drainage concept meeting the requirements of the appropriate (City or County) Engineer.

5.3 Preliminary Plan (cont.)

8. **Supplemental Information:** Any other information requested by the Planning Director, Development Review Committee, or Plan Commission to aid in the review of the Preliminary Plan. This may included, but not be limited to, topic areas such as traffic, utilities, flood hazards, and architectural design standards.
- C. **Review:** The application materials shall be reviewed by the Development Review Committee, consistent with the provisions of Chapter 2.4 of this Ordinance.
 1. **Representation:** Either the applicant(s) or a representative of the applicant(s) shall be present during the review to answer questions regarding the petition. If neither is present no action or discussion shall be taken on the petition and it shall be rescheduled for the next meeting of the Development Review Committee.
 2. **Revisions:** Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing.
- D. **Public Hearing Notification:** Notification for the scheduled public hearing regarding the Preliminary Plan shall be completed consistent with the requirements of Chapter 12.2 of this Ordinance and the Rules of Procedure of the Plan Commission.
- E. **Plan Commission Public Hearing:** The Plan Commission will review the application and required supporting information.
 1. **Representation:** Either the applicant(s) or a representative of the applicant(s) must be present at the public hearing to present the petition and address any questions the Commission may have.
 2. **Presentations:** The presentation of reports and testimony and all other aspects at the public hearing shall be consistent with the Rules of Procedure of the Commission.
 3. **Possible Action:** The Preliminary Plan shall be forwarded to the legislative body with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Commission.
 - a. **Favorable Recommendation:** The application may be forwarded with a favorable recommendation if it is found to be consistent with all applicable requirements and the intent of this Ordinance and the Comprehensive Plan. The Plan Commission may accept or require written commitments from the petitioner as part of the favorable recommendation.
 - b. **Unfavorable Recommendation:** The application may be forwarded with an unfavorable recommendation if it is found to be inconsistent with any applicable requirements and/or the intent of this Ordinance and/or the Comprehensive Plan.





5.3 Preliminary Plan (cont.)

- c. *Continue:* The application may be continued based on a request by the Planning Director, the petitioner, a remonstrator, or an interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
 - i. Additional legal notice shall not be required unless specified by the Plan Commission.
 - ii. The continuing of all petitions shall be consistent with the adopted Rules of Procedure of the Commission.
 - 4. Options Following an Unfavorable Recommendation: If the Plan Commission forwards an unfavorable recommendation to the legislative body the applicant may either proceed with the legislative body public hearing or withdraw the petition. Preliminary Plan applications that are withdrawn shall not be re-filed for a period of 1 year from the date of withdrawal. New applications for the same property that are substantially different, in the opinion of the Planning Director, from the withdrawn petition shall not be subject to the waiting period.
 - 5. Certification of Recommendation: The Plan Commission shall certify its recommendation by resolution to the legislative body.
- G. **Legislative Body Meeting:** The legislative body shall hold a meeting and vote (via resolution) on the proposed Planned Unit Development Preliminary Plan. The legislative body may either approve or deny the Preliminary Plan. The legislative body may request that modifications be made to the Preliminary Plan as part of its approval.

PUBLIC REVIEW DRAFT

5.4 Final Plan & Rezoning

- A. **Application:** The applicant shall submit a Planned Unit Development Final Plan review application, the required filing fee, the Final Plan, and any other supporting information. Final Plans may be submitted for the entire area included in the Preliminary Plan or in phases.
- B. **Final Plan Data:** The Final Plan may take the form of a booklet of letter or legal sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The Final Plan shall meet any format requirements of the Bartholomew County Recorder. The following shall be included in the Final Plan submission:
1. **Cover Page & Index:** The cover sheet shall indicate that it is the Final Plan for that particular development and include the date of submittal, an index identifying all sections included in the Final Plan document, and references to any separate sheets of information.
 2. **Site Description:** A description of the property and petitioners involved, including:
 - a. the name, mailing address, e-mail address, and telephone number of the applicant,
 - b. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Final Plan design,
 - c. the legal description of the subject property and common address of the site, and
 - d. the proposed name of the development (if applicable).
 3. **Common Holdings Map:** A map of any property adjacent to the property subject to the Final Plan owned or otherwise controlled by any or all of the petitioners.
 4. **Sewerage Verification:** A letter verifying that proper waste disposal will be available to the property.
 - a. For proposals using septic systems (or other alternatives to a sewer utility), a letter from the Bartholomew County Health Department shall be provided verifying that the development shall be adequately served and adequate plans are in place to assure the maintenance of the waste disposal facilities.
 - b. For proposals using a sewer utility, a letter from the appropriate sewer utility shall be included verifying that the proposed development shall be served.
 5. **Existing Site Conditions:** A description of all existing conditions on the subject property, including:
 - a. **Built Features:** All existing streets (including travel lanes, rights-of-way, etc.), established open spaces, and structures;
 - b. **Easements:** All existing easements and an indication of their purpose;
 - c. **Topography:** A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the Planning Director;

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Planned Unit Development



Intent

The purpose of the Final Plan & Rezoning Application is to finalize the details of the proposed PUD, document those details, and obtain final PUD approval from the appropriate legislative body consistent with IC 36-7-4-1509(a)(2).

See Also:

Subdivision Control Ordinance

Chapter 2.4, Development Review Committee

Plan Commission Calendar of Filing & Meeting Dates

Chapter 12.2, Notice of Public Hearing

Plan Commission Rules of Procedure

IC 36-7-4-1512, (Conditions of Approval)

IC 36-7-4-1503, (PUD District Ordinances)

IC 36-7-4-608, (Rezoning Procedures)

Chapter 12.8, Improvement Location Permits

IC 36-7-4-603, (Rezoning Criteria)

Note: The Indiana Historic Sites & Structures Inventory - Bartholomew County Interim Report includes an update for Sand Creek Township

5.4 Final Plan & Rezoning (cont.)

- d. *Natural Features:* The location of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
 - e. *Utilities:* The location of utilities serving the site (including waste disposal, water, electricity, natural gas, cable television, and data transmission);
 - f. *Cemeteries:* The boundaries of any cemeteries on, or within 100 feet of, the site.
 - g. *Historic Features:* An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
 - h. *Other Features:* Any other significant feature(s) that may influence the design of the development.
6. Proposed Development: A description of the proposed development of the property, including:
- a. *Street Systems:* The layout and design of proposed street systems (including on-street parking, sidewalks, and street trees);
 - b. *Land Uses:* The land use areas within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);
 - c. *Open Space:* The location, improvement, design, maintenance, and use of any open space (including park facilities, natural areas, trail systems, and other common areas);
 - d. *Landscaping:* The design of any landscaping, buffering, and/or screening proposed for the development;
 - e. *Natural Features:* A description of the accommodation of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
 - f. *Historic Features:* A description of the accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;

5.4 Final Plan & Rezoning (cont.)

- g. *Development Requirements:* Final text documenting the development requirements that will apply to development (including lot size and dimensions, building setbacks, off-street parking requirements, lighting standards, sign standards, landscaping requirements, etc.);
 - h. *Written Commitments:* A description of any written commitments that are being proposed as part of the development;
 - i. *Covenants:* A description of any private covenants and restrictions that will be established for the development; and
 - j. *Drainage:* A detailed drainage plan meeting the requirements of the appropriate (City or County) Engineer.
 - 7. **Supplemental Information:** Any other information requested by the Planning Director, Development Review Committee, or Plan Commission to aid in the review of the Final Plan. This may include, but not be limited to, topic areas such as traffic, utilities, flood hazards, and architectural design standards.
- C. **Plat Requirement:** Planned Unit Developments shall be required to comply with the platting procedures of the Subdivision Control Ordinance (per IC 36-7-4-1513). In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision Control Ordinance procedure. If a subdivision of land is required for the development, the Preliminary Plat may be filed simultaneously as the Final Plan.
- D. **Review:** The application materials shall be reviewed by the Development Review Committee, consistent with the provisions of Chapter 2.4 of this Ordinance.
 - 1. **Representation:** Either the applicant(s) or a representative of the applicant(s) shall be present during the review to answer questions regarding the petition.
 - 2. **Revisions:** Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing.
- E. **Public Hearing Notification:** Notification for the scheduled public hearing regarding the Final Plan shall be completed consistent with the requirements of Chapter 12.2 of this Ordinance and the Rules of Procedure of the Plan Commission.
- F. **Plan Commission Public Hearing:** The Plan Commission will review the application and required supporting information.
 - 1. **Representation:** Either the applicant(s) or a representative of the applicant(s) must be present at the public hearing to present the application and address any questions the Commission may have.



5.4 Final Plan & Rezoning (cont.)

2. **Presentations:** The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedure of the Commission.
3. **Possible Action:** The Final Plan shall be forwarded to the legislative body with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.
 - a. *Favorable Recommendation:* The Final Plan application may be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 5.4(H).
 - b. *Unfavorable Recommendation:* The application may be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 5.4(H).
 - c. *Continued:* The application may be continued based on a request by the Planning Director, the petitioner, a remonstrator, or an interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.
 - i. Additional legal notice shall not be required unless specified by the Plan Commission.
 - ii. The continuing of all applications shall be consistent with the adopted Rules of Procedure of the Commission.
4. **Re-Filing Following an Unfavorable Recommendation:** If the Plan Commission forwards an unfavorable recommendation to the legislative body the applicant may either proceed with the legislative body public hearing or withdraw the petition. If a PUD Final Plan has been withdrawn, there shall be no waiting period before which a new Preliminary Plan or Final Plan petition may be filed.
5. **Certification of Recommendation:** The Plan Commission shall certify its recommendation by resolution to the legislative body. The Planning Director shall forward to the legislative body a PUD district ordinance (rezoning) meeting the requirements of IC 36-7-4-1503 for consideration.



- G. Legislative Body Public Hearing:** The legislative body shall hold a public hearing and vote on the proposed Planned Unit Development district ordinance (rezoning) within 90 days of its certification by the Plan Commission.
1. **Possible Action:** The legislative body may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by Section 5.4(H).
 - a. *Failure to Act:* If the legislative body fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission per IC 36-7-4-608.

5.4 Final Plan & Rezoning (cont.)

- b. *Approval:* If the legislative body approves the PUD district ordinance (rezoning), the land is officially rezoned. The Official Zoning Map shall reflect the zoning change.
 2. Conditions: Per IC 36-7-4-1512 the legislative body may impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate financial surety for public improvements.
- H. **Final Plan Decision Criteria:** In reviewing the Planned Unit Development Final Plan, the Plan Commission and legislative body shall pay reasonable regard to the following, consistent with IC 36-7-4-603 and IC 36-7-4-1509(d):
 1. Preliminary Plan: The extent to which the proposal is consistent with the approved Preliminary Plan;
 2. Requirements and Intent: The extent to which the proposal fulfills the requirements and intent of this Article;
 3. Planning Documents: The Comprehensive Plan and any other applicable, adopted planning studies or reports;
 4. Characteristics: The current conditions and the character of current structures and uses in each zoning district;
 5. Desired Use: The most desirable use of which the land in each district is adapted;
 6. Property Values: The conservation of collective property values throughout the legislative body's jurisdiction as a whole; and
 7. Growth Management: Responsible growth and development.
- I. **Final Plan Signatures & Filing:** The implementation of an approved Final Plan must be consistent with the following provisions:
 1. Final Plan Signatures: When approved, the Final Plan shall be signed by the Plan Commission President and Secretary.
 2. Final Plan Recording & Filing: The approved Final Plan, including all development requirements serving as the zoning requirements on the subject property shall be recorded with the Bartholomew County Recorder. A copy of the record Final Plan shall then be filed with the Planning Director by the applicant. The documents must clearly state that the development requirements and any written commitments are enforceable by the Plan Commission.
 3. Covenant Recording: Any covenants for the development shall be recorded with the Bartholomew County Recorder. The documents must (a) clearly distinguish covenants from development requirements and written commitments and (b) indicate that covenants are private agreements that are not enforceable by the Plan Commission.



***Note:** Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements which are not enforceable by the Plan Commission*

See Also:

*IC 36-7-4-615,
(Written Commitments)*

5.5 Written Commitments

The applicant in any Planned Unit Development may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615.

- A. **Commitment Proposals:** Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Development Review Committee, or in response to any modifications requested by the Plan Commission or legislative body.
- B. **Consideration of Commitments:** Any commitments shall be considered by the Development Review Committee, Plan Commission, and legislative body if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (rezoning) establishing the PUD zoning.
- C. **Procedure for Commitment Modifications:** If modifications of written commitments considered by the Plan Commission or new commitments are requested by the legislative body, the application shall be referred back to the Plan Commission for re-consideration.
 1. Plan Commission Approval: If the Plan Commission approves the requested modification(s) the application is also approved.
 2. Plan Commission Disapproval: If the Plan Commission disapproves or alters the requested modification(s) the application shall be again considered at a meeting of the legislative body. At that time, the legislative body may:
 - a. approve the application as originally recommended by the Plan Commission;
 - b. approve the application with the originally requested modifications; or
 - c. request alternate modifications and again refer the matter back to the Plan Commission.
- D. **Enforcement of Commitments:** The recorded written commitments shall be considered part of this Ordinance binding on the subject property.
 1. Applicability: The recorded written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in any portion of the subject property.
 2. Enforcement: The recorded written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of this Ordinance.
 3. Modification: The recorded written commitments may be modified only through the Preliminary and Final Planned Unit Development processes described by this Article.

5.6 Covenants

A copy of any recorded covenants shall be provided to the Planning Director by the petitioner for the records of the Commission.

- A. **Lot Owner's Association:** If covenants are established on the property adequate provision shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization is self-perpetuating.
- B. **Service Access to Common Areas:** The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them. The covenants shall specifically state that appropriate government entities may access any common areas to monitor and correct the operation of drainage facilities.

PUBLIC REVIEW DRAFT

See Also:

*Plan Commission
Rules & Procedures*

*IC 36-7-4-1511(j),
(Minor Modifications)*

5.7 Minor Modifications

- A. **Administration:** The Planning Director may from time to time approve minor modifications of the Final Plan without a public hearing consistent with IC 36-7-4-1511(i).
1. **Limitations:** No modification shall include any change in type of use or any alteration of the development requirements.
 2. **Procedure:** To request a minor modification, the property owner, developer, or applicant shall provide the Planning Director with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission.
- B. **Appeal:** Any affected party may appeal any minor modification decision by the Planning Director to the Plan Commission within 30 days of the determination.
- C. **Rules of Procedure:** The Plan Commission may, through its Rules of Procedure, establish rules governing the nature of proceedings and notice required to make a minor modification under this Chapter per IC 36-7-4-1511(j).

PUBLIC REVIEW DRAFT

5.8 Expiration & Extensions

- A. **Preliminary Plan Expiration / Voiding of Approval:** The Preliminary Plan approval shall expire if a Final Plan application has not been filed within 1 year of the date of Preliminary Plan approval. The Preliminary Plan approval shall also expire if a Final Plan has not gained approval within 3 years of the date of Preliminary Plan approval. For phased development, the Preliminary Plan shall expire if 5 years elapses between the approval of any 2 Final PUD Plans. The Preliminary Plan approval shall be void if any subdivision, site plan, rezoning or other development activity is approved for any portion of the subject property prior to the approval of the Final Plan.
- B. **Final Plan Expiration:** Final Plans shall expire consistent with the provisions of IC 36-7-4-1109. Any corresponding Preliminary Plat approval shall also expire at the time of Final Plan expiration.
- C. **Extensions:** An extension for accomplishing any processes required by this Article may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must be filed with the Planning Director a minimum of 30 days **prior** to the applicable deadline.

See Also:

*Subdivision Control
Ordinance*

PUBLIC REVIEW DRAFT